

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOSE RIVERA**

**v.**

**MAYOR MICHAEL NUTTER, WARDEN  
OF CURRAN-FROMHOLD CORRECTIONAL  
FACILITY, and DEPUTY WARDEN OF P.P.S**

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**NO. 13-6931**

AND NOW, this 5th day of August, 2014, upon consideration of plaintiff's complaint (paper no. 3), plaintiff's amended complaint (paper no. 4) and defendants' unopposed motion to dismiss (paper no. 7), and for the reasons set forth in the accompanying memorandum, it is **ORDERED** that:

1. The motion to dismiss (paper no. 7) is **GRANTED**.
2. Plaintiff is given leave to file and serve an amended complaint stating a plausible claim against viable defendants under 42 U.S.C. § 1983 within forty-five (45) days of this order.
3. If an amended complaint is filed, defendants shall file and serve their responses in accordance with the Federal Rules of Civil Procedure and the Local Rules of this court.

/s/ Norma L. Shapiro

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J.